

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
Fort Lauderdale Division**

Case No.:

TYLER VANDIVER	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CHEX SYSTEMS INC.	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and Local Rule 7.2, Chex Systems, Inc. (“ChexSystems”), by counsel, hereby removes this action from the County Court in and for Broward County, Florida to the United States District Court for the Southern District of Florida, Fort Lauderdale Division.

Removal is proper because this Court has federal question jurisdiction over the action. *See* 28 U.S.C. § 1331. Accordingly, ChexSystems removes the action to this Court, and, in support of its Notice of Removal, states the following:

**I. STATE COURT ACTION**

1. On or about February 5, 2024, Plaintiff Tyler Vandiver filed the Statement of Claim against ChexSystems in the County Court in and for Broward County, Florida, Case No. COSO24006533.

2. Plaintiff appears to allege a violation of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 *et seq.* in the Statement of Claim. Specifically, he alleges “Defamation of character. Reporting fraudulent information” in the Statement of Claim and attaches a letter to

ChexSystems in which he alleges ChexSystems breached the FCRA. A copy of the Statement of Claim is attached hereto as **Exhibit A**.

3. Plaintiff served ChexSystems with the Statement of Claim on February 5, 2024.

4. ChexSystems denies the allegations in the Statement of Claim, denies that Plaintiff has stated any claim for which relief may be granted, and denies that Plaintiff is entitled to any alleged damages. Nevertheless, assuming for jurisdictional purposes only that Plaintiff's claim is valid, Plaintiff could have originally filed the Statement of Claim in this Court under federal question jurisdiction because Plaintiff alleges a violation of the FCRA, a federal law.

5. Additionally, this Court has supplemental jurisdiction over any state law claims Plaintiff attempts to assert. *See* 28 U.S.C. § 1367. Any other claims are so related to Plaintiff's claim that ChexSystems violated the FCRA that they form part of the same case or controversy under Article III of the United States Constitution. Thus, removal of this entire case is proper under 28 U.S.C. § 1331.

## **II. PROCEDURAL REQUIREMENTS**

6. This Notice of Removal is being filed within one year of the date of the commencement of the action for removal purposes. Accordingly, the action is timely removed pursuant to 28 U.S.C. § 1446(c)(1).

7. This Notice of Removal is being filed within 30 days of service of the Statement of Claim on ChexSystems. This Notice of Removal is therefore timely under 28 U.S.C. § 1446(b).

8. This action is properly removed to this Court, as the State Court action is pending within this district and division. 28 U.S.C. § 1441(a).

9. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is accompanied by copies of the following materials, which encompass all state court filings:

- a. **Exhibit A** – Statement of Claim
- b. **Exhibit B** – Notice to Appear for Pretrial Conference
- c. **Exhibit C** – Return of Service
- d. **Exhibit D** – Application for Determination of Civil Indigent Status

10. Simultaneously with the filing of this Notice of Removal, ChexSystems is filing a Notice of Filing of Notice of Removal in the County Court in and for Broward County, Florida, Florida pursuant to 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal, without Exhibit A, is attached hereto as **Exhibit E**.

### **III. FEDERAL QUESTION JURISDICTION**

11. This Court has original jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1331, which states that federal question jurisdiction is appropriately exercised over "all civil actions arising under the Constitution, laws, or treaties of the United States."

12. Removal of this action is proper under 28 U.S.C. § 1441(a), which provides, in relevant part, that "any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

13. Federal question jurisdiction exists over this action because Plaintiff's allegations involve questions that will require resolution of significant, disputed issues arising under federal law—the FCRA.

### **IV. VENUE**

14. This district and division encompass the County Court in and for Broward County, Florida, the forum from which this case has been removed. *See* 28 U.S.C. § 89(c).

15. As of the date of this removal, ChexSystems has not filed a responsive pleading to the Statement of Claim. ChexSystems reserves all rights to assert any and all defenses to the Statement of Claim.

16. ChexSystems reserves the right to amend or supplement this Notice of Removal.

17. If any questions arise as to the propriety of the removal of this action, ChexSystems requests the opportunity to present a brief and argument in support of its position that this case is removable.

WHEREFORE, Defendant ChexSystems hereby removes this action to this Court and seeks all other relief as this Court deems equitable and just.

Dated: February 26, 2024

Respectfully submitted,

By: /s/ Gillian M. Williston

Gillian D. Williston (Florida Bar No: 14270)

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*Attorney for Chex Systems, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2024, a true and correct copy of the foregoing **Notice of Removal** was filed electronically via the Court's system. Notice of this filing will also be served on the Plaintiff via Federal Express.

Tyler Vandiver  
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Pembroke Pines, Florida 33024

Gillian Williston  
Gillian Williston